

Attorney Docket No.: 01CON263P  
Application Serial No.: 09/990,059

### **REMARKS**

In the Office Action of January 10, 2006, the Examiner has rejected claims 8-14, allowed claims 1-7 and 15-27, and objected to claims 28-31. Applicant acknowledges the Examiner's statements regarding allowance of claims 1-7 and 15-27, and objection to claims 28-31.

By the present amendment, applicant has cancelled claims 2 and 28, amended claims 8 and 15, and added new claims 32-35. After the present amendment, claims 1, 3-27 and 29-35 are pending in the present application. An early notice of allowance for outstanding claims 1, 3-27 and 29-35 in view of the following remarks is requested.

#### **A. Rejection of Claims 8-14 under 35 USC §103(a)**

The Examiner has rejected claims 8-14, under 35 USC §103(a), as being unpatentable over U.S. Patent Number 6,128,300 to Horton ("Horton") in view of U.S. Patent Number 6,400,769 to Gatherer, et al. ("Gatherer").

Applicant respectfully disagrees; however, in order to expedite the prosecution of the present application, applicant has amended claim 8 to replace the limitations "a conversion module in communication with said client modem, said conversion module being capable of generating digitized analog samples of linear/uniform spacing" with limitations of claim 28, which recites "wherein said linecard generates a dial tone and a linecard indication indicative of existence of said linecard modem in response to said linecard detecting said client modem being in an off-hook state." Applicant respectfully submits that claim 8 should be allowed at least because claim 1 has been found to be in condition for allowance, and further based on the Examiner's statement regarding allowability of claim 28.

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Accordingly, applicant respectfully submits that independent claim 8, as amended, and its dependent claims 9-14 and 29-31 should be allowed.

**B. Amendment to Allowed Independent Claim 15**

By the present amendment, applicant has amended claim 15 to include limitations consistent with limitations of allowed independent claims 1 and 8. To this end, applicant has amended claim 15 to delete the limitation "receiving a client indication indicative of existence of said client modem." Applicant respectfully submits that claim 15, as amended, is still in condition for allowance for similar reasons the Examiner has found claim 1 to be in condition for allowance.

**C. New Claims 32-35**

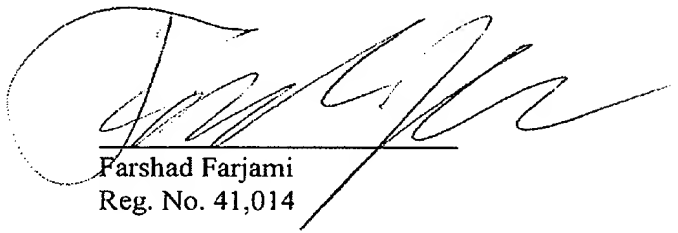
By the present amendment, applicant has added new dependent claims 32-35, which depend from claim 15. Dependent claim 32 includes the deleted limitations of claim 15, and dependent claims 33-35 include limitations similar to those of dependent claims 25-27. Accordingly, it is respectfully submitted that no new matter has been added, and new claims 32-35 should also be allowed.

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**D. Conclusion**

For all the foregoing reasons, an early Notice of Allowance directed to claims 1, 3-27 and 29-35 is respectfully requested.

Respectfully Submitted,  
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